

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>H-US-01935 PCT</b>	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. <b>PCT/US2009/032690</b>	International filing date (day/month/year) <b>30/01/2009</b>	(Earliest) Priority Date (day/month/year) <b>31/01/2008</b>
Applicant  <b>TYCO HEALTHCARE GROUP, LP</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (see Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention
- b. ☐ none of the figures is to be published with the abstract

# INT' NATIONAL SEARCH REPORT

International application No  
PCT/US2009/032690

A. CLASSIFICATION OF SUBJECT MATTER  
INV. A61B18/14 A61B17/32

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 493 320 A (TREAT MICHAEL R [US]) 15 January 1985 (1985-01-15)	1-5,7, 9-11,13, 15
Y	figures 3-6	6,8,14
X	EP 0 467 501 A (EVEREST MEDICAL CORP [US]) 22 January 1992 (1992-01-22) figures 1-4 column 4, line 58 - column 5, line 12	1-5,7, 9-13,15
X	US 5 026 371 A (RYDELL MARK A [US] ET AL) 25 June 1991 (1991-06-25)  figures 1,2 column 3, line 56 - column 4, line 2  -/--	1-5,7,9, 10,12, 13,15

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- \*&\* document member of the same patent family

Date of the actual completion of the international search

3 June 2009

Date of mailing of the international search report

16/06/2009

Name and mailing address of the ISA/  
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# INT NATIONAL SEARCH REPORT

International application No

PCT/US2009/032690

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 078 716 A (DOLL LARRY F [US]) 7 January 1992 (1992-01-07)  figures 4-5c column 7, line 1 - line 7 column 7, line 62 - column 8, line 14	1-5, 7-10, 12, 13, 15
Y	US 2 054 149 A (CHARLES WAPPLER FREDERICK) 15 September 1936 (1936-09-15) figure 4	6
A	US 2007/198011 A1 (SUGITA NORIYUKI [JP]) 23 August 2007 (2007-08-23) figures 7-9	12, 13
Y	US 6 773 432 B1 (CLAYMAN RALPH V [US] ET AL) 10 August 2004 (2004-08-10) figures 2, 3	8, 14
A	US 4 503 855 A (MASLANKA HARALD [DE]) 12 March 1985 (1985-03-12) figures 1-3 column 3, line 54 - column 4, line 65	1-12
A	GB 1 490 585 A (WOLF GMBH RICHARD) 2 November 1977 (1977-11-02) the whole document	1-15
A	DE 25 14 501 A1 (STORZ KARL) 21 October 1976 (1976-10-21) the whole document	1-15
A	WO 93/21845 A (HEMOSTATIC SURGERY CORP [US]; EGGERS PHILIP E [US]) 11 November 1993 (1993-11-11) the whole document	1-15

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2009/032690

## Box No. II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 16-18  
because they relate to subject matter not required to be searched by this Authority, namely:  
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)

This international searching authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

# INT 'NATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2009/032690

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
✓ US 4493320	A	15-01-1985	NONE
EP 0467501	A	22-01-1992	CA 2039088 A1 JP 4241853 A
			21-01-1992 28-08-1992
US 5026371	A	25-06-1991	NONE
✓ US 5078716	A	07-01-1992	NONE
US 2054149	A	15-09-1936	NONE
US 2007198011	A1	23-08-2007	DE 102007008272 A1 JP 2007215896 A
			23-08-2007 30-08-2007
✓ US 6773432	B1	10-08-2004	NONE
✓ US 4503855	A	12-03-1985	DE 3247793 A1
			14-07-1983
GB 1490585	A	02-11-1977	DE 7418576 U FR 2275226 A1
			12-09-1974 16-01-1976
DE 2514501	A1	21-10-1976	NONE
WO 9321845	A	11-11-1993	AT 190479 T AU 677782 B2 AU 4369093 A CA 2134899 A1 DE 69328122 D1 DE 69328122 T2 EP 0684791 A1 JP 3280978 B2 ✓ JP 8500024 T US 5318564 A
			15-04-2000 08-05-1997 29-11-1993 11-11-1993 20-04-2000 12-10-2000 06-12-1995 13-05-2002 09-01-1996 07-06-1994